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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

11
 12 WILLIAM J. WHITSITT,) Case Number: C-08-2139-BZ
 Plaintiff,)
 13 v.)
 14 WHEATFALL, et al.)
 Defendants.)
 15)
 16)
 17)
 18)
 19)

20 I, Tim Poole, declare as follows:

21 1. I am over 18 years of age and a tow truck driver of Central Towing & Transport,
 22 LLC ("Central Towing"), one of the named defendants in this action. I have personal knowledge
 23 of the facts contained in this declaration and, if called as a witness, could and would competently
 24 testify thereto.

25 2. At about 2:40 p.m. on March 23, 2008, I received a call from our dispatcher
 26 regarding an order received from the Dublin Police for the towing of a vehicle at the intersection
 27 of Davona Drive and Alcosta Boulevard in Dublin.

28 3. I proceeded to drive over to the location identified and towed the vehicle, a white

1 '71 Dodge Powerwagon, to our Pleasanton facility.

2 4. I understood that the officer ordered the tow because the person operating the
3 vehicle was placed under arrest. At no time did I know or have any reason to question whether
4 the location was within the City of Dublin.

5 5. In performing tows ordered by any local police agencies, I, as an employee of
6 Central Towing, always follow the instructions given by the police. I do not question whether
7 they have the authority or jurisdiction to order the tow.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

12 Dated: July 3, 2008

~~Timothy A. Poole~~
TIM POOLE

DECLARATION OF TIM POOLE IN SUPPORT OF MOTION TO DISMISS

1 **DECLARATION OF SERVICE**

2 William J. Whitsitt v. Wheatfall, et al.

3 Case Number C-08-2139-BZ

4 I, Carmen Ott, declare and say:

5 I am over the age of eighteen years and not a party to the within action. My business
6 address is 2201 Walnut Avenue, Suite 200, Fremont, California, 94538.

7 On July 8, 2008, I caused to be served the following documents described as:

8 **DECLARATION OF TIM POOLE**

9 on the interested parties in this action by placing a true and correct copy thereof in a sealed
10 envelope addressed as follows:

11 **William J. Whitsitt**
12 **335 West Clover Road**
12 **Tracy, California 95376**

13 (by personal service): I caused such envelope to be delivered by hand to the above
14 address(es).

15 (by facsimile): I caused the above-referenced document(s) to be transmitted to the above-
16 named persons at each of their respective facsimile numbers listed above, a copy of which
17 is attached hereto.

18 (by overnight courier): I caused the above-referenced document(s) to be delivered to an
19 overnight courier service for delivery to the above address(es).

20 XX (by mail): I am readily familiar with the firm's practice of collection and processing
21 correspondence for mailing. It is deposited with the U.S. Postal Service on that same day
22 in the ordinary course of business. I am aware that on motion of party served, service is
23 presumed invalid if the postal cancellation date or postage meter date is more than one (1)
24 day after the date of deposit for mailing in the affidavit.

25 I declare under penalty of perjury under the laws of the State of California that the above
26 is true and correct and that this declaration was executed on July 8, 2008.

27
28



Carmen Ott